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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,632	10/26/2001	Robert F. Friedman	2102462-991101	1596

7590 07/25/2003

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1755 Embarcadero Road
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EXAMINER

BOCURE, TESFALDET

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 07/25/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

10/039,632

Applicant(s)

FRIEDMAN, ROBERT F.

Examiner

Tesfaldet Bocure

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,9-12,18-23 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,9-12 and 18-23 is/are allowed.
- 6) ☒ Claim(s) 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 16 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on May 16, 2003. The Examiner approves these drawings.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schiff** (US patent number 6,424,831, of a record).

Schiff teaches a gateway (120 and 122 in fig. 3) for communicating with a plurality of user units (124 and 126) via satellite transponders (116 and 118 in fig. 1) comprising: transmitting the information signal on a frequency division multiplexing, where the frequency band carrying the information signal are divided into sub channels (see col. 6, lines 26-68); a control processor (320) for generating a timing information to each of the sub channels; modulator (326) for modulating the information signal by the sub channels; up-converter, amplifier (not shown but embedded with the transmitter 338) and transmitting antenna (338) for transmitting the signal to either one of the satellite transponder or to both of them using either a single antenna or plurality of antennas as in claim 34.

Art Unit: 2631

Even though does not show that the timing signal generated by the control processor is added to each of the sub channels carrying the information signal as in claim 34, it obvious and well known that the timing information generated should be added to each of the sub channel carrying the information signal in order to be used by the user terminal to detect the received signal properly. Therefore, it would have been obvious to one of an ordinary skill in the art to add the timing generated by the processor into the sub channels carrying the information signal in order to detect the data properly at the time the invention was.

Response to Amendment

3. In response to Applicant's argument with respect to claims 1-4,9-12,18-23 and 34 the following actions has been taken:

In response to Applicant's argument with respect to benefiting earlier filing data of the CIP application under USC 120, applicant should provide a new declaration to change the continuation data from CIP to continuation.

The amendments to claims 11 and 22 overcome the 112 2nd paragraph rejections indicated in the last office action.

Examiner agree with Applicant's remark with respect to claims 1,9 and 18 that: the art of record, Schiff, does not teach claimed “---transforming the original signal into a plurality of subchannel signals that each have **a lower bit rate than the original signal**. This way, each of subchannel signals can be transmitted to the small receiving

Art Unit: 2631

antenna within acceptable signal-to-noise ration---." Therefore the rejection to the above claims 1,9 and 18 has been withdrawn and the claims are allowable.

As to applicant's argument with respect to claim 34, such a "transforming the original signal into a plurality of subchannel signals that each have a lower bit rate than the original signal," is not claimed and the art of record, Schiff, still teach the claimed subject matter in claim 34. See col. 3, line 3-26 col. 6, lines 50-68, wherein the paging signal (claimed original signal) is transmitted over a plurality of subchannels.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (703) 305-

Art Unit: 2631

4735. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

T.Bocure
July 23, 2003

Tesfaldet Bocure
Primary Examiner
Art Unit 2631

